

## REMARKS

### I. Introduction

The application has been carefully reviewed in light of the Final Office Action dated June 26, 2006. This communication is believed to be a full and complete response to that Office Action. Claims 1-36 were pending in the present application prior to entry of this response. By the present Office Action, Claims 1, 4-19, 21-28 and 30-36 have been rejected.

By the present amendment, Claims 1, 2, 20, 24, 26, 27 and 35 have been amended. Claims 18, 19 and 21 have been canceled. Claims 3-17, 22, 23, 25, 28-34 and 36 remain unchanged relative to their immediate prior version. Upon entry of the present amendment, Claims 1-17, 20 and 22-36 are present.

Support for these amendments can be found in the original specification and drawings, and thus, no new matter has been added. Applicant reserves the right to pursue all original claims in this or other patent applications. Entering of the amended claims and reconsideration and reexamination of the present application are respectfully requested in light of the foregoing amendments and in view of the following remarks, which establish that the pending claims are directed to allowable subject matter.

### I. SUMMARY OF THE AMENDMENTS

#### *In the Claims*

Claims 1, 2, 20, 24, 26, 27 and 35 have been amended to comply with the Examiner's requirement of form set forth in the Final Office Action or to present the rejected claims in better form for consideration for appeal.

II. FORMALITIES

*Priority*

A certified copy of priority application No. GB 0105223.2 will be submitted under separate cover before issue of a patent on the above application.

III. CLAIM REJECTIONS

*Under 35 U.S.C. §§ 102 and 103*

**Amended Claim 1 and its dependent Claims 4-17 are patentable over Calvert and MEAD CORP**

The Examiner has rejected Claims 1, 4-10, 14-17 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,861,530 to **Calvert**. The Examiner has rejected Claims 11-13 under 35 U.S.C. § 103(a) as being unpatentable over **Calvert** in view of FR 2423399 by **MEAD CORP**.

Claim 1 has been amended in part to recite, in relevant part:

said articles being interconnected to provide an upper planar face of said articles;  
said carton comprising a top wall, a side wall, a base wall, and a beam structure  
arranged to form a tubular structure that encircles said articles, **said top wall  
being disposed in contact with said upper planar face, a longitudinal axis  
of said beam structure being inclined to the plane of said top wall.**

The limitations newly introduced into Claim 1 can find support on Page 1, Lines 11, 25 and 26; Page 7, Lines 6 and 7; and Figures 2-6.

**Calvert** fails to disclose at least the features of the invention of amended Claim 1 that are emphasized above in bold italics. The Examiner regarded panel 4A (Figure 6) in **Calvert** as being equivalent to the top wall in Claim 1; however, **Calvert** does not disclose panel 4a as an element to be in contact with the upper planar face of the articles (see Figure 5 of **Calvert**.) Rather, panel 1A in **Calvert** is supposed to be in contact with the upper planar face of the articles (e.g., cups C1, C2 in Figures 4 and 5), and the longitudinal axis of the tubular structure 6A/22A/23A is supposed to be parallel to the plane of top panel 1A, not to be inclined to that of top panel 1A, as suggested in Figure 5.

Likewise, **MEAD CORP** fails to disclose at least the features of the invention of amended Claim 1 that are emphasized above in bold italics. **MEAD CORP** discloses neither one of panels 16 and 26 as an element to be in contact with the upper planar face of the articles (see Figure 2 of **MEAD CORP**.) Rather, wall 10/38 in **MEAD CORP** is in contact with the upper planar face of the articles (e.g., cups C in Figures 2), and the longitudinal axis of the tubular structure 19/17/20 is parallel to the plane of top wall 10/38, not inclined to that of top wall 10/38, as suggested in Figure 2.

Furthermore, neither **Calvert** nor **MEAD CORP** discloses a beam structure having a longitudinal axis inclined to the plane of the top wall. Therefore, no combination of **Calvert** and **MEAD CORP** can create the invention as now brought out by amended Claim 1.

For the above reasons, amended Claim 1 is patentable over **Calvert** and **MEAD CORP**. Claims 4-17 depend from amended Claim 1 and, thus, are patentable as well. The Applicant respectfully requests withdrawal of the rejection of these claims.

**Amended Claim 20 and its dependent Claims 22-26 and 35 are patentable over Calvert and MEAD CORP**

The Examiner has rejected Claims 18, 19, 21-26 and 35 under 35 U.S.C. § 102(b) as being anticipated by **Calvert** or under 35 U.S.C. § 103(a) as being unpatentable over **Calvert** in view of **MEAD CORP**. However, the Examiner suggested that Claim 20 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, Claim 20 has been rewritten in independent form including all of the limitations of Claims 18 and 19. For this reason, amended Claim 20 is allowable. Claims 22-26 and 35 depend from, or have been amended to depend from, amended Claim 20 and, thus, are allowable as well. The Applicant respectfully requests withdrawal of the rejection of or objection to Claims 20, 22-26 and 35. Claims 18, 19 and 21 have been canceled.

**Amended Claim 27 and its dependent Claims 28-34 and 36 are patentable over Calvert and MEAD CORP**

The Examiner has rejected Claims 27, 28, 30-34 and 36 under 35 U.S.C. § 102(b) as being anticipated by **Calvert** or under 35 U.S.C. § 103(a) as being unpatentable over **Calvert** in view of **MEAD CORP**. Claim 27 has been amended to recite:

**said beam structure having a longitudinal axis that is inclined to each of said wall panels.**

The limitations newly introduced into Claim 27 can find support on Page 1, Lines 25 and 26; and Figures 2-6.

**Calvert** fails to disclose at least the features of the invention of amended Claim 27 that are emphasized above in bold italics. The longitudinal axis of the tubular structure 6A/22A/23A in **Calvert** is not supposed to be inclined to top panel 1A, but to be parallel thereto, as suggested in Figure 5.

Likewise, **MEAD CORP** fails to disclose at least the features of the invention of amended Claim 1 that are emphasized above in bold italics. The longitudinal axis of the tubular structure 19/17/20 is not inclined to top wall 10/38, but parallel thereto, as suggested in Figure 2.

Furthermore, neither **Calvert** nor **MEAD CORP** discloses a beam structure having a longitudinal axis inclined to each wall panel of the carton. Therefore, no combination of Calvert and MEAD CORP can create the invention as now brought out by amended Claim 27.

For the above reasons, amended Claim 27 is patentable over **Calvert** and **MEAD CORP**. Claims 28-34 and 36 depend from amended Claim 27 and, thus, are patentable as well. The Applicant respectfully requests withdrawal of the rejection of these claims.

#### IV. ALLOWABLE SUBJECT MATTER

**Claim 2 has been rewritten in independent form.**

The Examiner suggested that Claim 2 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, Claim 2 has been rewritten in independent form including all of the limitations of Claim 1. For this reason, amended Claim 2 is allowable. Claim 3 depends from amended Claim 2 and, thus, is allowable as well. The Applicant respectfully requests withdrawal of the objection to Claims 2 and 3.

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**Claim 20 has been rewritten in independent form**

As has been discussed earlier, Claim 20 has been rewritten in independent form including all of the limitations of Claims 18 and 19. For this reason, amended Claim 20 is allowable.

**The Examiner's suggestion that Claim 29, if rewritten, would be allowable is acknowledged**

With appreciation, Applicant acknowledges the Examiner's suggestion that Claim 29 would be allowable if rewritten in independent form. However, Applicant believes that amended Claim 27 better represent Applicant's invention than such a rewritten form of Claim 29.

**V. CONCLUSION**

Applicant respectfully request that the above amendments be entered, the application as a whole receive favorable reconsideration and all the pending claims be allowed.

Respectfully submitted,



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